

NEBRASKA DEPARTMENT OF EDUCATION (NDE) APPLICATION FOR USE OF IDEA PART B FUNDS AND/OR IDEA PART B ARRA FUNDS FOR CONSTRUCTION OR ALTERATION OF FACILITIES		Send the original and one copy to: Nebraska Department of Education Office of Special Education 301 Centennial Mall South, PO Box 94987 Lincoln, NE 68509-4987	
<i>Required by the Individuals with Disabilities Education Act</i>			
<p>Section 605 of the Individuals with Disabilities Education Act (IDEA) authorizes the Secretary to allow the use of IDEA funds, including IDEA Part B American Recovery and Reinvestment Act (ARRA) Funds, for construction or alteration of facilities if the Secretary determines the program would be improved by allowing funds to be used for these purposes. In general, to be able to use IDEA funds for these costs, LEAs need to obtain prior approval from the Nebraska Department of Education. [OSEP Guidance Revised July 1, 2009]</p> <p>LEAs must obtain prior approval from the NDE for all capital expenditures for improvements to land, buildings, or equipment which materially increases their value or useful life. LEAs must use this application form to seek approval from the NDE for construction projects and receive project approval from the NDE <u>prior</u> to beginning construction or alterations in order to use IDEA Part B or IDEA Part B ARRA funds for the project.</p> <p>All project requests must clearly address and meet criteria for appropriate use of federal funds. For approval of any costs under Part B of IDEA, the expenditures must relate to the provision of special education and related services in accordance with the requirements of Part B. Please note that if the construction project will not be used primarily for the benefit of children with disabilities who receive services under Part B of IDEA, Part B funds cannot be used to pay the <u>total</u> cost. Construction project proposals are reviewed by the NDE following submission of the application, including the signed assurance. The LEA will be notified in writing whether the request has been approved. Questions about the approval process should be directed to Pete Biaggio (pete.biaggio@nebraska.gov) or Nancy Lorenz (nancy.lorenz@nebraska.gov) (402-471-2471).</p>			
GENERAL INFORMATION			
Applicant District		Mailing Address <i>Street, City, State, Zip</i>	
County District Number			
ESU #		Mailing Address <i>Street, City, State, Zip</i>	
District Contact Person:		Title	e-mail address
			Telephone <i>Area/No.</i>
Construction Project Name		Estimated Total Cost of Construction Project	
		\$	
Amount of Costs to be paid using IDEA Part B Flow Through funds		Amount of Costs to be paid using IDEA ARRA Part B Flow Through funds	
\$		\$	
Amount of Costs to be paid using IDEA (619) Preschool funds		Amount of Costs to be paid using IDEA ARRA Preschool (619) funds	
\$		\$	
Provide a narrative description of the scope of the proposed construction project, including the location.			

Describe the need for the construction project.

Identify the impairments of the children with disabilities intending to use the facility. *Check all that apply.*

- | | | |
|--|--|---|
| <input type="checkbox"/> Autism | <input type="checkbox"/> Hearing Impairment | <input type="checkbox"/> Specific Learning Disability |
| <input type="checkbox"/> Mental Handicap | <input type="checkbox"/> Other Health Impairment | <input type="checkbox"/> Speech and Language Impairment |
| <input type="checkbox"/> Deaf Blindness | <input type="checkbox"/> Orthopedic Impairment | <input type="checkbox"/> Traumatic Brain Injury |
| <input type="checkbox"/> Behavioral Disorder | <input type="checkbox"/> Developmental Delay | <input type="checkbox"/> Visual Impairment |
| | | <input type="checkbox"/> Multiple Impairments |

Identify the age ranges of the children with disabilities who will use the facility.

- ☐ Ages 3-5 ☐ Ages 6-21

Identify the number of children with disabilities currently in your district who will benefit from this construction project.

- | | | |
|--------------------------------|--------------------------------|---------------------------------|
| <input type="checkbox"/> 1-10 | <input type="checkbox"/> 31-40 | <input type="checkbox"/> 76-100 |
| <input type="checkbox"/> 11-20 | <input type="checkbox"/> 41-50 | <input type="checkbox"/> 100+ |
| <input type="checkbox"/> 21-30 | <input type="checkbox"/> 50-75 | |

Describe how the proposed construction project is consistent with the requirements of IDEA Part B, including requirements related to least restrictive environment (34 CFR § 300.114), placement (34 CFR § 300.116), and IEP implementation. Include as part of this description, how the construction project will improve the special education services for children with disabilities. If students are going to be removed from the regular education setting, include an explanation of the plan to return students to the regular education environment.

	ASSURANCES	
--	-------------------	--

The LEA assures the Nebraska Department of Education that the LEA will implement the project described in this application consistent with the following requirements:

34 CFR, Part 300.114-117

http://idea.ed.gov/download/final_regulations.html

Least Restrictive Environment (LRE)

To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

34 CFR, Part 300.202**Excess Cost**

Funds must be used only to pay the **excess costs** of providing special education and related services to children with disabilities.

34 CFR, Part 300.718**Accessibility Standards for Facilities**

Any construction of new facilities, or alterations of existing facilities, complies with the requirements of the "Americans with Disabilities Accessibility Standards for Buildings and Facilities" (Appendix A, to Part 36 of Title 28, Code of Federal Regulations) or the "Uniform Federal Accessibility Standards" (Appendix A of subpart 101-19.6 of Title 41, Code of Federal Regulations).

INVOLVEMENT OF AND CONSULTATION WITH LILLY BLASE (NDE VOC REHAB) IS REQUIRED.

CONTACT LILLY BLASE AT 402-471-6051 (lilly.blase@nebraska.gov).

ARRA, Section 1604

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h1enr.txt.pdf

Limit on Funds

None of the funds appropriated or otherwise made available in this Act may be used by any State, local government or any private entity, for any casino or gambling establishment, aquarium, zoo, golf course, or swimming pool.

ARRA, Section 1605**Buy American--Use of American Iron, Steel, and Manufactured Goods**

None of the funds appropriated or otherwise made available by this Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States. See Section 1605 for further detail and exceptions.

ARRA, Section 1606**Wage Rate Requirements**

Notwithstanding any other provision of law and in a manner consistent with other provisions in this Act, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act, shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Number 14 of 1950 (64 Stat.1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

OMB Circular A-87 (2 CFR Part 225, Appendix B)

<http://www.whitehouse.gov/omb/circulars/a087/a087-all.html#attb>

Cost Principles for State, Local, and Indian Tribal Governments

OMB Circular A-87 establishes principles for determining allowable costs in determining costs incurred by governmental units under federal grants. For a particular cost to be allowed, it must be *necessary* and *reasonable* for proper and efficient performance and administration of the grant. A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. Consult OMB Circular A-87 for additional principles for determining costs for federal grants.

EDGAR 34 CFR 75.600-75.617

<http://www.ed.gov/policy/fund/reg/edgarReg/edgar.pdf>

Use of A Grant For Construction

A grantee must comply with requirements relating to applicant's assessment of environmental impact; preservation of historic sites; title to site; availability of cost-sharing funds; beginning construction; completing construction; general considerations in designing facilities and carrying out construction; areas in the facilities for cultural activities; complying with safety and health standards; access by the handicapped; avoidance of flood hazards; supervision and inspection by the grantee; relocation assistance by the grantee; sufficient funds for operation and maintenance; operation and maintenance by the grantee; energy conservation; and compliance with the Coastal Barrier Resources Act.

EDGAR 34 CFR 76.600

2003 IECC, Neb. Rev. Stat. 81-1608, Neb. Rev. Stat. 81-1609, Neb. Rev. Stat. 81-1611

Where to Find Construction Regulations

A sub grantee who requests program funds for construction, or whose grant or sub grant includes funds for construction must comply with the rules on construction that apply to applicants and grantees under 34 CFR 75.600–75.617 while energy requirements must comply with the 2003 International Energy Conservation Code (2003 IECC) and Neb. Rev. Stat. 81-1608, Neb. Rev. Stat. 81-1611 and Neb. Rev. Stat. 81-1609.

EDGAR 34 CFR 80.31**Disposal of Property**

When the property is no longer needed to meet the IEP needs of a child with a disability, it must be managed or disposed of in accordance with 34 CFR 80.31, Education Department General Administrative Regulations (EDGAR).

Nebraska Building Codes and Safety Requirements**TITLE 153**

Chapter 21 – Plan Review

Chapter 22 – Certification of Occupancy

Chapter 25 – Enforcement

SIGNATURES	
<div> <div>Name of District Administrator</div> <div>Title:</div> </div>	
<div> <div>Signature of District Administrator</div> <div>➤</div> </div>	Date Signed
<div> <div>Name of District Business Manager</div> <div>Signature of District Business Manager</div> <div>➤</div> </div>	Date Signed
<div> <div>Name of District Director of Special Education</div> <div>Signature of District Director of Special Education</div> <div>➤</div> </div>	Date Signed